

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00246-MR**

MARTIN RAY ROBINSON, et al.,

Plaintiffs,

vs.

**MCDOWELL COUNTY DETENTION
CENTER,**

Defendant.

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ORDER

THIS MATTER is before the Court *sua sponte*.

The *pro se* Plaintiffs filed this action pursuant to 42 U.S.C. § 1983 while they were incarcerated at the McDowell County Detention Center. [Doc. 1]. On October 21, 2021, mail from the Court to Plaintiffs David Kenneth Fowler, Ricky K. Capps, Alvin Lee Sisk, Brian Guzman, Douglas Melton, Melvin Wilson, James Clark, Malik Wiley, Andy Gibson, Cody Buchanan, and Jamie Wyatt was returned as undeliverable. [Doc. 39]. Notations on the returned mail reflect that: Plaintiffs Wyatt, Buchanan, Gibson, Clark, Melton, Capps were released from custody; Plaintiff Wiley and Fowler were released to the U.S. Marshal; and Plaintiffs Wilson, B. Guzman, Sisk have been transferred

to the North Carolina Department of Adult Corrections. [Id.]. These Plaintiffs have not updated their addresses with the Court.

Each Plaintiff was notified upon commencing this action that it is “Plaintiff’s responsibility to keep the Court advised of his/her current address at all times” and “[i]f Plaintiff’s address changes and no Notice [of Change of Address] is promptly filed with the Clerk of Court, this case may be dismissed for lack of prosecution.” [Doc. 3 at 2].

It appears that these Plaintiffs may have abandoned this action. Plaintiffs Wyatt, Buchanan, Gibson, Clark, Melton, Capps Wiley, Fowler Wilson, Brian Guzman, and Sisk shall, within **ten (10) days** of this Order, update their addresses of record and inform the Court whether they intend to proceed with this action. Failure to comply with this Order will result in dismissal of this action without prejudice and this case’s closure without further notice as to the relevant Plaintiffs.

IT IS, THEREFORE, ORDERED that Plaintiffs Wyatt, Buchanan, Gibson, Clark, Melton, Capps, Wiley, Fowler, Wilson, B. Guzman, and Sisk **shall have ten (10) days from the date of this Order** in which to update their addresses of record and inform the Court whether they intend to proceed with this action. If any of the listed Plaintiffs fail to do so, this case will be dismissed without prejudice and closed without further

notice as to them.

The Clerk is respectfully instructed to mail a copy of this Order to these Plaintiffs' addresses of record as well as to: Melvin W. Wilson, Offender No. 1180820, Craggy Correctional Center, 2992 Riverside Drive, Asheville, NC 28804; Brian K. Guzman, Offender No. 0159933, Tabor Correctional Institution, 4600 Swamp Fox Highway, West Tabor City, NC 28463; Alvin L. Sisk, III, Offender No. 1555041, Piedmont Correctional Institution, 1245 Camp Road, Salisbury, NC 28147; David Kenneth Fowler, Reg. No. 32908-058, FCI Forrest City Medium, Federal Correctional Institution, PO Box 3000, Forrest City AR 72336; and Malik V. Wiley, Reg. No. 34217-057, USP Atlanta, U.S. Penitentiary, P.O. Box 150160, Atlanta GA 30315.¹

IT IS SO ORDERED.

Signed: October 26, 2021

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge



¹ These addresses and inmate numbers were gleaned from the North Carolina Department of Corrections and Federal Bureau of Prisons' websites.